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**The Commonwealth of Massachusetts**

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**ANNUAL REPORT**

OF THE

**BOARD OF TAX APPEALS**

FOR THE

**YEAR ENDING NOVEMBER 30, 1932**

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**Department of Treasurer and Receiver-General**



BOARD OF TAX APPEALS  
20 SOMERSET STREET, ROOM 202, BOSTON, MASS.

# The Commonwealth of Massachusetts

## BOARD OF TAX APPEALS

*To the Honorable Senate and House of Representatives:*

In compliance with the provisions of Section 4 of Chapter 58A of the General Laws, the Board of Tax Appeals herewith submits its annual report for the year ending November 30, 1932.

At the end of the fiscal year the total number of petitions for abatement of local taxes received was 1302, of which 468 had been disposed of, while the total number of appeals from decisions of the Commissioner of Corporations and Taxation was 113, of which 87 had been heard and decided or withdrawn.

The Board of Tax Appeals was established at a time when our entire tax structure was beginning to be affected by the business depression. During the whole period of the Board's existence there has been a falling market, incomes and values of property, real and personal, have seriously declined, and business difficulties have been increasingly common. These conditions have naturally caused an abnormal amount of controversy over matters of taxation. The Massachusetts tax system, so far as local taxes are concerned, is based wholly on value, and the administrator of the tax laws, the assessor or collector, in this time of descending values, meets with puzzling problems as does the ordinary business man, home-owner or rent-payer.

One of the objects of the Act creating the Board of Tax Appeals was to provide for the prompt hearing and disposal of appeals in tax matters. The Board has endeavored to provide for the hearing of appeals and to decide them as promptly as possible, has put into operation such arrangements as it has been able to devise for shortening the hearings without doing injustice to either appellant or appellee, and has received excellent cooperation from those who appear before the Board. But the unexpectedly large number of cases filed has made it impossible to keep up with our docket, and there is considerable doubt that the Board, as now constituted, can hear and decide the ever increasing number of petitions with such degree of promptness as the sponsors of the Act intended.

It may well be that the conditions which bring about this state of affairs are temporary, but they exist and should be dealt with as long as they do exist. It is possible that more hearings could be held if the cases were heard by a single member of the Board. It is our opinion, however, that at least two members should sit in every case,—all requests for rulings and decisions to be submitted to the full Board. It therefore follows that there cannot be much more speeding up of the work unless at least two additional members are appointed to the Board.

It ought not to be overlooked that the Boards of County Commissioners and the Board of Tax Appeals have concurrent jurisdiction of abatements, petitions and appeals from decisions of local assessors. Under the present law, appeals to county commissioners may be transferred to this Board at the election of the board of assessors or of their counsel. It would somewhat relieve the crowded docket of the Board of Tax Appeals if the appeals to county commissioners were to be heard and decided by the county officials.

The appropriation for the fiscal year 1931 - 1932 was \$53,120, to which there was later added \$1,000 by transfer by the Governor and Council, of which \$53,127.40 has been expended. The receipts from fees and miscellaneous sources amounted to \$10,231.60, and the sale of printed decisions has brought in \$1,055.50, which sums have from time to time been turned in to the Treasury of the Commonwealth. The net cost of operation of the Board has therefore been \$41,840.30.

Tables of statistics of the work of the Board are appended to this report.

Respectfully submitted,

ALEXANDER HOLMES.

JOHN D. WRIGHT.

ALEXANDER LINCOLN.

*Board of Tax Appeals.*

I concur fully with the Board in the foregoing recommendations, except I find myself unable to agree in the opinion that at least two members should sit in every case. If this would solve our present problem, I would by all means advocate it. The situation, however, which confronts the Board is serious. As now constituted we can hear and decide about 300 cases a year. We have now over 850 appeals awaiting action. Unless adequate legislative relief is provided for, it is possible we shall have 2000 or more cases awaiting action a year from now.

Proposed legislation embodied in a bill (Senate No. 168) already filed with the General Court by Senator Stevens goes farther than the recommendations here submitted. If the changes recommended in that bill or a substantial part of them are enacted into law, it will in my opinion provide the necessary relief.

JOHN D. WRIGHT.

#### PETITIONS TO DECEMBER 1, 1931.

Received to date .....	301	Pending decision .....	21
Withdrawn to date .....	48	Ready for hearing .....	99
Decided to date .....	82	Not ready for hearing .....	51

#### PETITIONS TO DECEMBER 1, 1932.

Received to date .....	1,415	Pending decision .....	43
Withdrawn to date .....	172	Ready for hearing .....	583
Decided to date .....	383	Not ready for hearing .....	229

#### APPEALS FROM LOCAL ASSESSORS

December 1, 1930, to November 30, 1932.

<i>Number</i>	<i>Per Cent</i>	<i>Assessed Value</i>	<i>Total.</i>
12	0.92	Under \$5,000	\$31,475.10
56	4.30	5,000 - 10,000	418,719.00
150	11.52	10,000 - 25,000	2,543,140.08
469	36.02	25,000 - 100,000	26,755,115.00
436	33.49	100,000 - 500,000	98,709,276.00
88	6.76	500,000 - 1,000,000	60,781,254.89
91	6.99	1,000,000 and over	238,323,191.00
1,302	100.00		\$427,562,171.07

APPEALS FROM LOCAL ASSESSORS  
December 1, 1930, to November 30, 1932.

Status as of November 30, 1932.

<i>Class</i>	<i>Number</i>	<i>Assessed Valuation</i>	<i>Tax Assessed</i>	<i>Overvaluation Found</i>	<i>Tax - Abated</i>
Total appeals filed	1302	\$427,562,171.07	\$13,364,229.85		
Total decisions after hearing	159	80,653,217.89	2,487,812.84	\$17,727,649.00	\$533,965.88
Total settlements	160	84,297,840.00	2,606,797.64	12,660,685.93	399,259.57
Total with- drawals	149	27,119,135.00	891,012.78		
Total appeals disposed of	468	192,070,192.89	5,985,623.26	30,388,334.93	933,225.45
Total appeals pending	834	235,491,978.18	7,378,606.59		

At the close of the fiscal year, November 30, 1932, 834 appeals from assessors were pending before the Board, divided as follows:—

Boston .....	682	Medford .....	7
Lowell .....	22	Quincy .....	6
Brookline .....	18	Revere .....	6
Cambridge .....	9	39 cities and towns .....	75
Newton .....	9		
		Total .....	834

APPEALS FROM COMMISSIONER OF CORPORATIONS AND TAXATION  
December 1, 1930, to November 30, 1932.

Appeals entered .....	113	Appeals decided .....	64
Appeals withdrawn .....	23	Appeals pending .....	26

APPEALS FROM BOARD OF TAX APPEALS TO SUPREME JUDICIAL COURT  
December 1, 1930, to November 30, 1932.

Claims of appeal filed .....	30	Records delivered to appellant .....	23
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